

Remarks

Claims 1-10, 14, and 16-26 are pending in the application. Claims 11-13, 25 and 27-38 are cancelled, without prejudice to Applicants' right to file divisional applications directed to the subject matter thereof. Claims 1-10 have been amended as follows:

Claim 1:

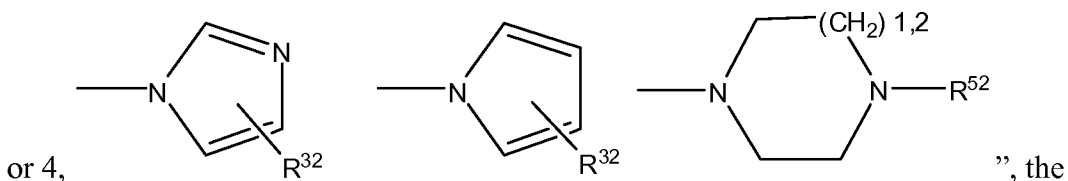
R¹: To provide proper grammar, the term “branched and unbranched C₁-C₆ alkyl” has been amended to “branched or unbranched C₁-C₆ alkyl”;

R²: The definition has been amended to correspond to the original definition of R² by deleting the phrase “CN, a straight or branched C₁-C₆ alkyl, OR²¹”;

R²³: The definition has been amended to correspond to the original definition of R²³ by deleting the phrase “OH, C₁-C₆ alkyl, chlorine, bromine, iodine, fluorine, CF₃, nitro or NH₂”;

R²⁴: The definition has been added which corresponds to the original definition of R²⁴;

R³: The definition has been amended to correspond to the original definition of R³ by deleting the phrase “-O-(CH₂)_o(CHR³¹)_m-(CH₂)-G, where R³¹ is hydrogen, OH, C₁-C₄-alkyl or O- C₁-C₄-alkyl, m and o are, independently of one another, 0,1 or 2 and n is 1,2,3



typographical errors in the phrases -D-(F¹)_p-(E)_q-(F²)_r-G and -E-(D)_u-(F²)₈-(G)_v were corrected, and the phrase “or R³ is” was added for additional clarity;

R⁴: To provide proper grammar, the term “branched and unbranched C₁-C₆ alkyl” has been amended to “branched or unbranched C₁-C₆ alkyl”;

E: The misspellings of isoxazole, pyrrolidine and piperidine have been corrected, and the period has been replaced with a comma;

F¹: To provide proper grammar, a comma has been deleted after the term “it”;

u: The typographical error “l” has been replaced with “1”;

R⁵¹: To provide proper grammar, the term “branched and unbranched C₁-C₆ alkyl” has been amended to “branched or unbranched C₁-C₆ alkyl”, and the typographical error “(CH₂)_t-K” has been corrected to the original definition “(CH₂)_t-K”;

R⁵²: To provide proper grammar, the term “branched and unbranched C₁-C₆ alkyl” has been amended to “branched or unbranched C₁-C₆ alkyl”, and the definition has been amended to correspond to the original definition of R³ by deleting the phrase “COCH₃, COCF₃”;

R⁵³: The phrase “substituted” was deleted and the phrase “replaced” added to add further clarity. To provide proper grammar, the term “and” has been amended to “or,” the period after the phrase “being”, and the commas after “NH₂” and in the middle of “COOC₁-C₄-alkyl” were deleted to correct typographical errors. The spelling error in the phrase “alkamino” has been corrected;

K: The phrase “which may carry at most two substituents on the ring, comprising” has been added to provide additional clarity. The phrase “alkyl radical C₁-C₆ alkyl” has been amended to C₁-C₆ alkyl radical, which eliminates the redundancy in the phrase. The phrase “C₄-alkylphenyl, pyrrolidine, piperidine, 1, 2, 5, 6-tetrahydropyridine, morpholine, trihydroazepine, piperazine, which may also be substituted by an alkyl radical C₁-C₆-alkyl, or homopiperazine, which may also be substituted by an alkyl radical C₁-C₆-alkyl, and” has been deleted as a typographical error;

R⁷: The phrases “C₁-C₆ alkyl” and “C₁-C₄ alkylphenyl” were amended to correct a typographical error;

R⁹: To provide proper grammar, the term “branched and unbranched C₁-C₆ alkyl” has been amended to “branched or unbranched C₁-C₆ alkyl,” and the phrase “substituted” was deleted and the phrase “replaced” added to add further clarity. The phrase “C₁-C₆-alky” was amended to remove a typographical error.

Claim 2:

The claim was made independent.

R¹, R², R⁴, R⁵¹, and R⁵²: To provide proper grammar, the term “branched and unbranched C₁-C₆ alkyl” has been amended to “branched or unbranched C₁-C₆ alkyl”;

R²: The phrase “NR²¹R²²” was added and the phrase “NH-CO-R²¹” was amended to “NH-CO-R²³” to correspond to the original definition of R² in originally filed claim 2;

R²²: The definition of R²² was added to correspond to the original definition of R²² in originally filed claim 2;

R²³: The definition of R²³ was added to correspond to the original definition of R²³ in originally filed claim 2;

R³: The phrase “O-(CH₂)_o-(CHR³¹)_m-(CH₂)_n-G” was amended to “-O-(CH₂)_o-(CHR³¹)_m-(CH₂)_n-R⁵” to correspond to the original definition of R³ in originally filed claim 2;

R³¹: The phrase “C₁-C₄ alkyl” was added to correspond to the original definition of R³¹ in originally filed claim 2;

n: The original definition of n was added as described in originally filed claim 2;

R⁴: The phrase “or” was added to provide proper grammar;

R⁵: The original definition of R⁵ in originally filed claim 2 was added to replace the definition of G;

R⁵²: The phrase “or” and a comma were added to provide proper grammar; and

R⁵³: The phrase “substituted” was deleted and the phrase “replaced” added to add further clarity. An extra space was deleted before the phrase CCl₃.

Claim 3:

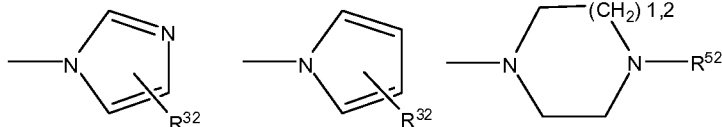
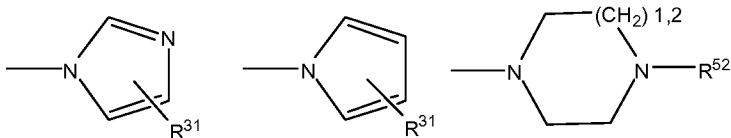
The claim was made independent.

R¹, R², R⁴, R⁵¹, and R⁵²: To provide proper grammar, the term “branched and unbranched C₁-C₆ alkyl” has been amended to “branched or unbranched C₁-C₆ alkyl”;

R²: The phrase “NR²¹R²²” was added and the phrase “NH-CO-R²¹” was amended to “NH-CO-R²³” to correspond to the original definition of R² in originally filed claim 3;

R²²: The definition of R²² was added to correspond to the original definition of R²² in originally filed claim 3;

R²³: The definition of R²³ was added to correspond to the original definition of R²³ in originally filed claim 3;

R³: The structures  were replaced with  to correspond to the original definition of R³ in originally filed claim 3;

R³¹: The definition of R³¹ was added to correspond to the original definition of R³¹ in originally filed claim 3;

R³²: The phrase “and –O-(CH₂)_o-(CHR³²)_m-(CH₂)_n-G where R³¹ is hydrogen, C₁-C₄-alkyl, OH and O-C₁-C₄alkyl,” was replaced with the phrase “C₁-C₄-alkyl, OH or O-C₁-C₄-alkyl” to correspond to the original definition of R³² in originally filed claim 3.

R⁴: The phrase “or” was added to provide proper grammar;

R⁵: The original definition of R⁵ in originally filed claim 3 was added to replace the definition of G; and

R⁵²: The phrase “substituted” was deleted and the phrase “replaced” added to add further clarity. The phrase “or” was added to provide proper grammar.

Claims 4, 5 and 6

The claims were made multiply dependent. The phrase “or” was added to claim 6 to provide proper grammar.

Claim 7

The claim was made independent, and, as such, the substituents R¹, R¹¹, R², R²¹, R²², R²³, x, p, and R⁵² were added, support for which can be found on page 4, lines 1 to 29 and page 12, line 5 to page 13, line 16.

Claim 9

The phrase “selected from” was added to provide greater clarity. The phrase “an optionally substituted” was replaced with “a”, as corresponds to the original definition of R⁵ in originally filed claim 9.

Claims 14, 16-24 were made independent due to the cancellation of claim 11.

Co-Pending Applications

Applicants point out the following co-pending applications:

US11/401635

US11/401638

US 11/830,318

US 11/623,996

US 11/743,200

Rejections under 35 U.S.C. §112

The Office rejected claims 11-13, 15, 23 and 25 under 35 U.S.C. § 112, first paragraph as allegedly failing to enable the scope of the claims. Claims 11-13, 15 and 25 have been cancelled. Applicants assert that claim 23 is enabled, as it was known in the art to treat tumors with PARP inhibitors. See, for example, Table 1, page 30 of the specification.

The Office rejected claims 1-26 under 35 U.S.C. § 112, first paragraph as allegedly failing to comply with the written description requirement. The Office states that “No support in the specification or the original filed claims can be found for a number of changes that Applicant is/has added to the claims.” Applicants have presently amended the claims to be consistent with the originally filed claims. Therefore, Applicants request that the rejection be withdrawn.

The Office rejected claims 1-26 under 35 U.S.C. § 112, second paragraph as allegedly being indefinite. Claims 1, 2, 3, 7, 9, and 23 were rejected for containing various typographical errors, which have been corrected as described above. In claim 1, the phrase “an alkyl radical C₁-C₆-alkyl” was amended to “C₁-C₆ alkyl radical”, which eliminates the redundancy in the phrase and provides further clarity. The phrase “I” in claim 23 has been deleted.

The Office rejected claims 2, 3, 7 and 9 for having insufficient antecedent basis in claim 1. Applicants have amended claims 2, 3, 7 and 9 to be independent claims, support for which is found on pages 8 to 13 of the specification and in originally filed claims 2, 3, 7 and 9. Therefore, Applicants request that the rejection be withdrawn.

Non-Statutory Double Patenting Rejection

The Office provisionally rejected claims 1, 4-6 and 9 as being unpatentable over claim 10 of copending Application no. 11/536,994.

Applicants assert that it is premature to respond in the absence of issued claims. However, if the allowed claims of the present invention are unpatentable over the issued claim 10 of copending Application no. 11/536,994, Applicants will duly file a terminal disclaimer.

The Office provisionally rejected claims 1-6 and 8-26 as being unpatentable over claims 1, 2 and 7-22 of U.S. Patent No. 6,696,437.

A terminal disclaimer will be duly filed.

In view of the remarks above, the Applicants respectfully submit that the claims are in allowable condition. Consequently, favorable reconsideration and prompt issuance of a Notice of Allowance is respectfully requested.

The examiner is invited to contact the undersigned at the phone number indicated below with any questions or comments, or to otherwise facilitate expeditious and compact prosecution of the application.

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Respectfully submitted,
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